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Legal Staff
International Division

Attorney Docket No.: DBT004PCTUS1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Georges, et al.)

Serial No.: 10/541,536)

Filed: July 6, 2005)

For: Systems and Methods for Creating,
Modifying, Interacting with and
Playing Musical Compositions)

Examiner:

Group Art Unit:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION INCLUDING UNDER 37 CFR 1.497(d)

In response to the Decision mailed 29 August 2006, Applicant hereby requests reconsideration of that Decision, and in particular the holding of abandonment. Applicant respectfully requests reconsideration for at least two different reasons.

First, Applicant requests reconsideration on the basis that the Declaration and Statement of Voislav Damevski ("Damevski Declaration") sufficiently establishes that this is the type of error that may be corrected in the circumstances of this case. As explained in the Damevski Declaration, Mr. Damevski often goes by Voit as a shortened version of his name, although Voislav is his legal first name. Much like Bob is used for Robert, these names often get interchanged, which in effect is what happened in this case. Although Will or Bill and William, and Bob or Rob and Robert are more common examples, Voit and Voislav are similar in Mr. Damevski's culture and language.

Applicant respectfully requests that the overall facts of this case, and in particular the Damevski Declaration, be re-reviewed and reconsidered with a view to understanding what happened and why, and why upon reasonable investigation it would have been determinable, like Bob and Robert, that Voit Damevski and Voislav Damevski were one and the same person. Applicant requests that the declaration previously submitted be accepted as the type of innocent error, like a typographic error or phonetic misspelling, that may be corrected by the USPTO at this stage of prosecution.

Second, Applicant requestfully requests that its previous submission, to the extent required, be considered a request or petition under Rule 1.182. Applicant's previous submission expressly referenced 37 CFR 1.497(d) and expressly stated the relief requested and the facts in support thereof. Namely, Applicant's previous submission made it clear that that Applicant was requesting, to the extent that acceptance of the declaration was considered more than correction of a mere typographic error or phonetic misspelling, that the PTO treat the submission as a request to accept the declaration and charge the required fee to Applicant's deposit account. Applicant's previous submission included statements such as:

"RENEWED SUBMISSION UNDER 37 CFR 1.497(d)"

"... Applicant also requests, to the extent required, that this be treated as a request under Rule 1.48 to correct the inventorship as described herein. Applicant's attorney authorizes payment of any applicable fee to the deposit account identified below."

"Herein Applicant is attempting to address all outstanding issues raised in the Decision. If there are any questions or if anything further is needed for this application to proceed to examination, please contact Applicant's attorney as soon as possible."

"Please charge any required fees to Deposit Account No. 50-0251. Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251."

Applicant respectfully request that (1) the reference to Rule 1.497(d), (2) the request to correct the inventorship "as described" in the Damevski Declaration and in Applicant's overall submissions, and (3) the requests to charge "any applicable fee" and "any required fees" and "any additional fees" was in substance a request or petition under Rule 1.182 to effect the change and pay the required fee. This, respectfully, is clearly what was intended by Applicant's previous submission, even though Applicant mistakenly did not reference by number Rule 1.182.

In summary, Applicant and its attorney respectfully request reconsideration of the Decision and the holding of abandonment. Applicant respectfully requests that it be considered that the previously-submitted papers establish that the Voit/Voislav is the type of error that may be treated like a typographical error or phonetic misspelling in that, for example, it is reasonable to conclude that Voit Damevski and Voislav Damevski are one and the same person. Second, to the extent required, Applicant requests that its previous submission be considered as a petition under Rule 1.182 and a request to charge Applicant's attorney's deposit account for payment of the required fee. All actions taken in this case were bona fide, good faith efforts without deceptive intent, and such is established by Applicant's

Applicant's submissions.

Applicant respectfully requests that the Decision be reconsidered, and that the USPTO take whatever action and charge whatever fee may be appropriate for the relief requested.

The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge any required fees to Deposit Account No. 50-0251. Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

Respectfully submitted,



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September 28, 2006
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I hereby certify that the foregoing is being faxed to 571-273-0459 on the date indicated above.